

Message Text

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ACTION L-03

INFO OCT-01 EUR-12 IO-13 ISO-00 FRB-03 OMB-01 ITC-01 SP-02

USIA-06 AGR-05 AID-05 CIAE-00 COME-00 EB-07 INR-07

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TO SECSTATE WASH DC 3528

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E.O. 11652: N/A

TAGS: UNCTAD, ETRD, TECH, OECD

SUBJECT: GROUP B DISCUSSION OF CODE OF CONDUCT FOR
TRANSFER OF TECHNOLOGY

REF: STATE 224872

1. SUMMARY. GROUP B MET UNDER AUSPICES OF OECD AD HOC
POLICY GROUP ON MNE'S TO DISCUSS COORDINATION FOR UNCTAD
MEETING ON TECHNOLOGY CODE SET FOR NOV. 8-19. THERE
APPEARS TO BE GENERAL GROUP B UNITY ON SUCH BASIC
MATTERS AS VOLUNTARY NATURE OF CODE, BUT CERTAIN TACTI-
CAL DIFFERENCES ON APPROACH TO NOVEMBER MEETING.
END SUMMARY.

2. GROUP B DISCUSSION, ON BASIS OF QUESTIONS POSED BY
U.S. IN REFTEL, COVERED ISSUES BOTH OF SUBSTANCE AND
PROCEDURE IN REGARD TO THE NOVEMBER UNCTAD MEETING. AS
TO SUBSTANCE, GROUP B WAS VIRTUALLY UNANIMOUS IN VIEW
THAT TECHNOLOGY CODE MUST BE VOLUNTARY. HOWEVER, THERE
WAS NO CONSENSUS ALONG LINES OF U.S. PROPOSAL THAT
GROUP B CLEARLY STATE AT OUTSET OF MEETING THAT GROUP B
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ENTERS INTO THE NEGOTIATIONS UPON THE PREMISE THAT THE

CODE WOULD BE VOLUNTARY. SOME DELS THOUGHT SUCH A STATEMENT DID VIOLENCE TO NAIROBI RESOLUTION ON TECHNOLOGY CODE; OTHERS THOUGHT STATEMENT WAS NEEDLESSLY CONFRONTATIONAL, WHILE A THIRD GROUP THOUGHT NEGOTIATIONS SHOULD BE CONDUCTED ALWAYS WITH THOUGHT THAT EACH ARTICLE COULD EVENTUALLY BE INCLUDED IN A LEGALLY BINDING TREATY, IF G-77 SO DECIDED. NO RESOLUTION OF THE ISSUE WAS REACHED AT MEETING.

3. ON ISSUE OF WHETHER GROUP B CAN ACCEPT "SHALL" OR "WILL" IN CODE, RATHER THAN "SHOULD," THERE WAS GENERAL CONSENSUS THAT "SHOULD" IS PREFERRED FORMULATION, THOUGH SOME DELS THOUGHT THAT "SHALL" MIGHT BE ACCEPTABLE IN CERTAIN INSTANCES.

4. ON PROCEDURAL MATTERS, IT WAS AGREED THAT THERE SHOULD NOT BE MORE THAN ONE WORKING GROUP MEETING AT THE SAME TIME, THAT THE FIRST MATTERS IN CODE TO BE TAKEN UP IN NOVEMBER SHOULD BE "OBJECTS" OF CODE, DEFINITIONS, PREAMBLE, SCOPE OF APPLICATION AND POSSIBLY INTERNATIONAL COOPERATION AND SPECIAL TREATMENT FOR DEVELOPING COUNTRIES. OTHER ISSUES, SUCH AS RBP'S, WOULD BE DISCUSSED AT MARCH-APRIL MEETING OF A SECOND WORKING GROUP.

5. GROUP B GENERALLY AGREED THAT IT SHOULD TRY TO OBTAIN RAPORTEURSHIP AND CHAIRMANSHIP OF ONE OF SUBGROUPS.

6. ON QUESTION OF GROUP B COORDINATION, U.S. DEL PRIVATELY APPROACHED MONTGOMERY OF CANADA, WHO REPORTED THAT NO STEP HAD YET BEEN TAKEN TO RELIEVE TANIGUCHI OF RESPONSIBILITY. IN FACT, HE WAS NOT CERTAIN THAT IT WOULD BE POSSIBLE TO DO SO, ALTHOUGH HE WOULD TRY.

7. GROUP B WILL MEET IN GENEVA 9:30 AM ON NOV. 8 FOR SUCH FURTHER COORDINATION AS MAY BE NECESSARY.
KATZ

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